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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,442	07/07/2003	Elwood Ranck Webster	83574	3477

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EXAMINER

OLSON, LARS A

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,442

Applicant(s)

WEBSTER, ELWOOD RANCK

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-21 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Dean (US 5,394,650).

Dean discloses the same torsion spring device as claimed, as shown in Figures 1-3, that is comprised of a first section, defined as Part #63, a second section, defined as Part #60 and 60A, and a third section, defined as Part #63, where said first section is further comprised of an elongated first leg that is configured to exert a force against a surface, defined as Part #67, said first section is fixed to said second section, as shown in Figure 3, said second section is further comprised of a plurality of coils each having an inside diameter configured to fit around an object, defined as Part #49, said plurality of coils are spaced apart and coupled by an intermediate member, defined as Part #62, that is fixed to each of said coils and configured to exert a force against a second surface, defined as Part #38 in Figure 2, said third section is fixed to said second section, as shown in Figure 3, and said third section is further comprised of an elongated second leg that is configured to exert a force against said first surface, as shown in Figure 2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dean.

Dean, as set forth above, discloses all of the features claimed except for the use of a spring that is unitary in structure, a spring formed from coils of .09 inch diameter 304 stainless steel wire, spring coils that exert a force of about 40 inch-pounds, and a spring structure with a static angle between said first leg and said intermediate member of about 145 degrees.

The examiner takes official notice that the use of a double torsion spring assembly that is unitary in structure is known in the art.

The use of a spring formed from coils of .09-inch diameter 304 stainless steel would be considered by one of ordinary skill in the art to be a design choice based upon the required strength and desired spring coefficient for said spring.

The use of a spring with coils that exert a force of about 40 inch-pounds would also be considered to be a design choice based upon the required strength of said spring.

The use of a spring structure with a static angle between one leg of said spring and another leg of said spring of about 145 degrees would also be considered to be a

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design choice based upon the required force that said spring needs to exert in order to function properly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a double torsion spring assembly that is unitary in structure, is formed from coils of .09 inch diameter 304 stainless steel, exerts a spring force of 40 inch-pounds, and has a static angle between one leg and another leg of about 145 degrees, in combination with the torsion spring device as disclosed by Dean for the purpose of providing a spring device that is stronger and more resistant to corrosion.

Allowable Subject Matter

5. Claims 8-21 are allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Migli (US 6,477,737), Rytönen et al. (US 6,185,302) and Golynsky et al. (US 5,683,139) disclose double torsion spring assemblies that are unitary in structure. Devlin (US 5,465,862) discloses double torsion spring hinge assemblies for biasing a hatch lid. Sandow et al. (US 3,461,607) discloses a vent hatch with a brace that is biased by a double torsion spring assembly. Wilson (US 2,812,522) discloses a double torsion spring assembly for biasing a toilet lid. Ducroux

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(US 1,897,693 and US 1,823,790) discloses a ship's scuttle. And Laubeuf

(US 938,593) discloses a watertight hatch with a spring biasing means.

7. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

April 20, 2004

LARSA. OLSON
PATENT EXAMINER

Lars Olson
4/20/04